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U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**INFORMATION DISCLOSURE  
STATEMENT**

Docket Number:  
**1662/59404**

Application Number  
**10/791,451**

Filing Date  
**March 1, 2004**

Examiner  
**Not Yet Assigned**

Art Unit  
**1624**

Invention Title  
**Crystalline Forms of Valacyclovir Hydrochloride**

Inventors  
**WIZEL, et al.**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 35 U.S.C. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following references to the attention of the Examiner. These references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
2. In accordance with the Official Gazette of August 5, 2003, which stated that the United States Patent and Trademark Office waived the requirement under 37 C.F.R. § 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. patent applications filed after June 30, 2003, copies of each of the cited U.S. patents and U.S. patent application publications are not being provided.
3. It is believed that no fees are due in connection with this Information Disclosure Statement. However, should any fees be due, the Commissioner is authorized to charge Deposit Account No. 11-0600 for such fees. A copy of this communication is enclosed for charging purposes.

Dated:

*Sept 30, 2004*

By:

*John B. Starr, Jr.*  
John B. Starr, Jr. (Reg. No. 44,474)

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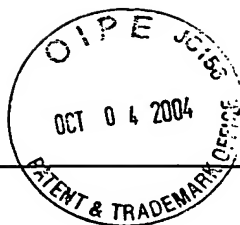
Date:

*9/30/04*

Signature:

*77 at Berenich*

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT PTO-1449</b>	<b>ATTY. DOCKET NO.</b> 1662/59404	<b>SERIAL NO.</b> 10/791,451
	<b>APPLICANT</b> WIZEL et al.	
	<b>FILING DATE</b> March 1, 2004	<b>GROUP</b> 1624

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	4,199,574	April 22, 1980	Schaeffer			
	4,957,924	September 18, 1990	Beauchamp			
	6,107,302	August 22, 2000	Carter et al.			

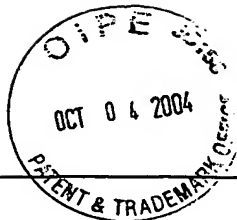
**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS**

EXAMINER INITIAL		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
		Goodman & Gilman's, The Pharmacological Basis of Therapeutics, pp. 1193-1198 (9 <sup>th</sup> ed. 1996)
		G.M. Wall, "Pharmaceutical Applications of Drug Crystal Studies," Pharmaceutical Manufacturing, Vol. 3, No. 2, February 1986, pp. 33-42
		J. Haleblan and W. McCrone, "Pharmaceutical Applications of Polymorphism," Journal of Pharmaceutical Sciences, Vol. 58, No. 8, August 1969, pp. 911-929
		J.K. Haleblan, "Characterization of Habits and Crystalline Modification of Solids and Their Pharmaceutical Applications," Journal of Pharmaceutical Sciences, Vol. 64, No. 8, August 1975, pp. 1269-1288
		Pharmacopeial Forum, Vol. 24, No. 1, (Jan.- Feb. 1998) p. 5438-5440

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



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**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLASS	FILING DATE*
	6,040,446	March 21, 2000	Dvorak, et al.			
	5,840,890	November 24, 1998	Arzeno, et al.			
	5,840,891	November 24, 1998	Nestor, Jr., et al.			
	5,756,736	May 26, 1998	Arzeno, et al.			
	2003/0153757 A1	August, 2003	Etinger, et al.			

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 98/03553	January 29, 1998	PCT				
	WO 97/25989	July 24, 1997	PCT				
	WO 97/27194	July 31, 1997	PCT				

**OTHER DOCUMENTS**

EXAMINER INITIAL		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.

EXAMINER	DATE CONSIDERED
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